

103D CONGRESS
1ST SESSION

S. 1564

To amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, to terminate the program on December 31, 1996, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 18 (legislative day, OCTOBER 13), 1993

Mr. FEINGOLD (for himself and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, to terminate the program on December 31, 1996, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Dairy Promotion Pro-
3 gram Improvement Act of 1993”.

4 **SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH**
5 **PROGRAM.**

6 (a) DECLARATION OF POLICY.—The first sentence of
7 section 110(b) of the Dairy Production Stabilization Act
8 of 1983 (7 U.S.C. 4501(b)) is amended—

9 (1) by inserting after “commercial use” the fol-
10 lowing: “and on imported dairy products”; and

11 (2) by striking “products produced in” and in-
12 serting “products produced in or imported into”.

13 (b) DEFINITIONS.—Section 111 of such Act (7
14 U.S.C. 4502) is amended—

15 (1) by striking “and” at the end of subsection
16 (k);

17 (2) by striking the period at the end of sub-
18 section (l) and inserting a semicolon; and

19 (3) by adding at the end the following new sub-
20 sections:

21 “(m) the term ‘imported dairy product’
22 means—

23 “(1) any dairy product, including milk and
24 cream and fresh and dried dairy products;

25 “(2) butter and butterfat mixtures;

26 “(3) cheese;

1 “(4) casein and mixtures; and

2 “(5) other dairy products,

3 that are imported into the United States; and

4 “(n) the term ‘importer’ means a person that
5 imports an imported dairy product into the United
6 States.”.

7 (c) FUNDING.—

8 (1) REPRESENTATION ON BOARD.—Section
9 113(b) of such Act (7 U.S.C. 4504(b)) is amended—

10 (A) by designating the first through ninth
11 sentences as paragraphs (1) through (5) and
12 paragraphs (7) through (10), respectively;

13 (B) in paragraph (1) (as so designated), by
14 striking “thirty-six” and inserting “38”;

15 (C) in paragraph (2) (as so designated), by
16 striking “Members” and inserting “Of the
17 members of the Board, 36 members”; and

18 (D) by inserting after paragraph (5) (as so
19 designated) the following new paragraph:

20 “(6) Of the members of the Board, 2 members shall
21 be representatives of importers of imported dairy prod-
22 ucts. The importer representatives shall be appointed by
23 the Secretary from nominations submitted by importers
24 under such procedures as the Secretary determines to be
25 appropriate.”.

1 (2) ASSESSMENT.—Section 113(g) of such Act
2 is amended—

3 (A) by designating the first through fifth
4 sentences as paragraphs (1) through (5), re-
5 spectively; and

6 (B) by adding at the end the following new
7 paragraph:

8 “(6)(A) The order shall provide that each importer
9 of imported dairy products shall pay an assessment to the
10 Board in the manner prescribed by the order.

11 “(B) The rate of assessment on imported dairy prod-
12 ucts shall be determined in the same manner as the rate
13 of assessment per hundredweight or the equivalent of
14 milk.

15 “(C) For the purpose of determining the assessment
16 on imports under subparagraph (B), the value to be placed
17 on imported dairy products shall be established by the Sec-
18 retary in a fair and equitable manner.”.

19 (3) RECORDS.—The first sentence of section
20 113(k) of such Act is amended by striking “person
21 receiving” and inserting “importer of imported dairy
22 products, each person”.

23 (4) REFERENDUM.—Section 116 of such Act (7
24 U.S.C. 4507) is amended by adding at the end the
25 following new subsection:

1 “(d)(1) On the request of a representative group com-
 2 prising 10 percent or more of the number of producers
 3 subject to the order, the Secretary shall—

4 “(A) conduct a referendum to determine wheth-
 5 er the producers favor suspension of the application
 6 of the amendments made by section 2 of the Dairy
 7 Promotion Program Improvement Act of 1993; and

8 “(B) suspend the application of the amend-
 9 ments until the results of the referendum are known.

10 “(2) The Secretary shall continue the suspension of
 11 the application of the amendments made by section 2 only
 12 if the Secretary determines that suspension of the applica-
 13 tion of the amendments is favored by a majority of the
 14 producers voting in the referendum who, during a rep-
 15 resentative period (as determined by the Secretary), have
 16 been engaged in the production of milk for commercial
 17 use.”.

18 **SEC. 3. TERMINATION OF DAIRY PROMOTION AND RE-**
 19 **SEARCH PROGRAM.**

20 Section 116 of the Dairy Production Stabilization Act
 21 of 1983 (7 U.S.C. 4507) (as amended by section 2(c)(4))
 22 is further amended by adding at the end the following new
 23 subsection:

1 “(e)(1) On December 31, 1996, the Secretary shall
2 terminate the order issued under this Act (including the
3 collection of assessments under the order).

4 “(2) As soon as practicable after the date referred
5 to in paragraph (1), the Secretary shall terminate activi-
6 ties under the order in an orderly manner.”.

7 **SEC. 4. PROHIBITION ON BLOC VOTING.**

8 Section 117 of the Dairy Production Stabilization Act
9 of 1983 (7 U.S.C. 4508) is amended—

10 (1) in the first sentence, by striking “Secretary
11 shall” and inserting “Secretary shall not”; and

12 (2) by striking the second through fifth sen-
13 tences.

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